



September 20, 2006

Bret Martine
Studio JAED
20 E. Division Street
Dover, De 19901

RE: PLUS review – PLUS 2006-08-05; Milford School District - Route 15 site

Dear Mr. Martine:

Thank you for meeting with State agency planners on August 30, 2006 to discuss the feasibility of a school site on a 32 acre portion of a 111 acre farm located on Route 15 (Canterbury Road) northeast of Milford.

These comments reflect only issues that are the responsibility of the agencies represented at the meeting. The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as Kent County is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.

The following are a complete list of comments received by State agencies:

Office of State Planning Coordination – Contact: David Edgell 739-3090

This proposed school site is located Investment Level 4 according to the *Strategies for State Policies and Spending*. The site is also outside of the Kent County Growth Zone. Investment Level 4 indicates where State investments will support agricultural preservation, natural resource protection, and the continuation of the rural nature of these areas. New development activities and suburban development are not supported in Investment Level 4. These areas are comprised of prime agricultural lands and

environmentally sensitive wetlands and wildlife habitats, which should be, and in many cases have been preserved. School construction and other state facilities are generally not desirable in Investment Level 4 areas.

It is noted that this school site comprises a portion of a larger parcel. The larger parcel does include a small area of Investment Level 3, and is adjacent to the boundary of the Kent County Growth Zone. It is possible that in future years the Growth Zone and the *State Strategies* designation in this area will be adjusted to accommodate changes in growth patterns and infrastructure investments. For this site to be a viable school location it would have to be located completely within the Kent County Growth Zone and have access to appropriate infrastructure, such as County sewer.

The State does not support this site for school construction at this time. It is not considered to be a viable location for new school construction in the near-term future.

Division of Historical and Cultural Affairs – Contact: Alice Guerrant 739-5685

The Division of Historical and Cultural Affairs is opposed to siting a school in the Level 4 area, due to the loss of the historic agricultural landscape. However, nothing is known within this parcel. It is adjacent to the J. H. Owens House (K-4802) to the south and across the road from the C. S. Wilson House (K-4801). There is not a high likelihood for a historic-period archaeological site here, but there is high to medium potential for a prehistoric-period one.

Small, rural, family cemeteries often are found in relation to historic farm complexes, such as the Owens House, usually a good distance behind or to the side of the house. The school district should be aware of Delaware's Unmarked Human Remains Act of 1987, which governs the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out, and the school district may want to hire an archaeological consultant to check for the possibility of a cemetery here. The DHCA would have to have a copy of any archaeological report done for this purpose. They will be happy to discuss these issues with the school district; the contact person for this program is Faye Stocum, 302-736-7400.

If this location is chosen for the school, we recommend that there be sufficient landscaping around the parcel to block any adverse visual or noise effects on nearby historic properties. The DHCA would appreciate the opportunity to examine the parcel and see if an archaeological site in fact exists here or not.

Department of Transportation – Contact: Bill Brockenbrough 760-2109

- 1) Given the District's present timetable for construction, DelDOT would recommend against choosing this site. It is in a Level 4 Investment area relative to the *Strategies for State Policies and Spending* and, consistent with the *Strategies*, DelDOT has no plans to improve the roads in the immediate area. Near this site, Route 15 is presently a two-lane minor arterial road with traffic signals only where it intersects other arterial roads. If a school were built on the subject site, DelDOT would anticipate demand for a signal at the site entrance to accommodate the school traffic, even though by their standards such a signal probably would not be warranted. Consistent with the *Strategies*, DelDOT would be unwilling to install such a signal.
- 2) From discussions at the PLUS meeting, it appears that the remaining 79 acres of the farm where the school would be developed will be developed as a series of farmettes. However, the developer has not submitted a plan yet and it is possible that a denser development could be proposed for that reason, DelDOT would recommend that the plan for the school site be developed in a way that recognizes possible opportunities for shared recreation areas and open space.
- 3) As mentioned above, Route 15 is classified as a minor arterial road. DelDOT's policy is to require dedication of sufficient land to provide a minimum right-of-way width of 40 feet from the centerline on collector and minor arterial roads. Therefore we would require right-of-way dedication along the frontage to provide any additional width needed from this project. Additional right-of-way requirements are discussed in item 4 below.
- 4) DelDOT would not require a traffic impact study for the proposed development, but we would require the District to improve Route 15, across the site frontage, to meet DelDOT's minor arterial road standards, which include 12-foot travel lanes and 8-foot shoulders. In addition to widening the existing pavement, the District might be required to overlay it. DelDOT would analyze the existing through travel lanes' pavement section and recommend an overlay thickness to the District's engineer if it is needed.
- 5) The District would be required to provide a 15-foot permanent easement, for a future 10-foot wide shared use path, along the full length of their frontage.
- 6) The subject site includes the land directly opposite Crickett Hollow Lane. If the remainder of the land is proposed for large lot development, as mentioned in item 2 above, it would be desirable to place the site entrance opposite Crickett Hollow Lane. However, if a major subdivision, i.e. one that involves the creation of

streets, is proposed then a different approach would be preferable. In that case, the District either should extend Crickett Hollow Lane as part of their plan for the property or should reserve or dedicate a local road right-of-way (30 feet on either side of the centerline) sufficient to allow for the future extension of Crickett Hollow Lane by others. The District may contact our Subdivision Engineer, Mr. Marc Cote' for further guidance in this regard. Mr. Cote may be reached at (302) 760-2165.

- 7) If this site is selected, the District's site engineer should contact our project manager for Kent County, Mr. Brad Herb, regarding our specific requirements for access. Mr. Herb may be reached at (302) 266-9600.

The Department of Natural Resources and Environmental Control – Contact: Kevin Coyle 739-9071

Investment Level 4 Policy Statement

This project is proposed for an Investment Level 4 area as defined by the *Strategies for State Policies and Spending* and is also located outside of a designated growth area in the relevant municipal and county certified comprehensive plans. According to the *Strategies* this project is inappropriate in this location. In Investment Level 4 areas, the State's investments and policies, from DNREC's perspective, should retain the rural landscape and preserve open spaces and farmlands. Open space investments should emphasize the protection of critical natural habitat and wildlife to support a diversity of species, and the protection of present and future water supplies. Open space investments should also provide for recreational activities, while helping to define growth areas. Additional state investments in water and wastewater systems should be limited to existing or imminent public health, safety or environmental risks only, with little provision for additional capacity to accommodate further development.

With continued development in Investment Level 4 areas, the State will have a difficult, if not impossible, time attaining water quality (e.g., TMDLs) and air quality (e.g., non-attainment areas for ozone and fine particulates) goals. Present and future investments in green infrastructure, as defined in Governor Minner's Executive Order No. 61, will be threatened. DNREC strongly supports new development in and around existing towns and municipalities and in areas designated as growth zones in certified Comprehensive Plans. DNREC encourage the use of transfer of development rights where this growth management tool is available.

This particular development certainly compromises the integrity of the State Strategies and the preservation goals inherent in many of DNREC's programs. While mitigating measures such as conservation design, central wastewater systems instead of individual on-site septic systems, and other best management practices may help mitigate impacts from this project, not doing the project at all is the best avenue for avoiding negative impacts. As such, this project will receive no financial, technical or other support of any kind from DNREC. Any required permits or other authorizations for this project shall be considered in light of the project's conflict with our State growth strategies.

Soils

This parcel contains all well-drained soils (Sassafras) with no mapped or apparent wetlands.

Water Supply

The project information sheets state that water will be provided to the project by an individual on-site well. DNREC records indicate that the project site is not located in an area where public water service is available. Any public water utility providing water to the site must obtain a certificate of public convenience and necessity (CPCN) from the Public Service Commission. Information on CPCNs and the application process can be obtained by contacting the Public Service Commission at 302-739-4247. Should an on-site public/miscellaneous public well be needed, a minimum isolation distance of 150 feet is required between the well and any potential source of contamination, such as a septic tank and sewage disposal area. The Division of Water Resources will consider applications for the construction of on-site wells provided the wells can be located and constructed in compliance with all requirements of the Regulations Governing the Construction and Use of Wells. A well construction permit must be obtained prior to constructing any wells.

Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising.

Should you have any questions concerning these comments, please contact Rick Rios at 302-739-9944.

Sediment and Erosion Control/Stormwater Management

A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. The plan review and approval as well as construction inspection will be coordinated through the Division of Soil and Water Conservation Sediment and Stormwater Program. Contact Elaine Webb with the Sediment and Stormwater Program at (302) 739-9921, for details regarding submittal requirements and fees.

The application states that infiltration will be the outlet for stormwater. All sites designed for infiltration must still have an overflow for discharge of larger-than-design storm events. An outlet may need to be constructed for this site requiring permanent offsite easements. It does appear that the site soils would support infiltration; however, onsite testing will be necessary to determine the suitability of soils for infiltration and the design infiltration rate.

Drainage

The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of on-site storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

Nuisance Geese

If stormwater management ponds are constructed, they may attract nuisance waterfowl like resident Canada geese and mute swans. High concentrations of waterfowl in ponds create water-quality problems, leave droppings on lawn and paved areas and can become aggressive during the nesting season. Because manicured lawns are attractive habitat for geese, we recommend that athletic fields and other lawn areas not be located directly adjacent to ponds. We recommend native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within a buffer area (at least 50 feet) around ponds. Geese do not feel as safe from predators when their view of the area is blocked and will be less likely to take up residence in the pond. These plantings should be completed as soon as possible as it is easier to deter geese when there are only a few than it is to remove them once they become plentiful.

The Division of Fish and Wildlife does not provide goose control services, and if problems arise, the school district will have to accept the burden of dealing with these species (e.g., permit applications, costs, securing services of certified wildlife professionals). Solutions can be costly and labor intensive; however, with proper landscaping, monitoring, and other techniques, geese problems can be minimized.

State Fire Marshal's Office – Contact: Duane Fox 856-5298

These comments are intended for informational use only and do not constitute any type of approval from the Delaware State Fire Marshal's Office. The DE State Fire Marshal's Office has the responsibility to review all commercial and residential subdivisions for compliance with the DE State Fire Prevention Regulations. This Agency's approvals are based on the DE State Fire Prevention Regulations only.

The DE State Fire Marshal's Office has no objection to this site location. Once a site is picked and conceptual site plans are developed this office would be able to make more technical comments.

Preliminary meetings with fire protection specialists are encouraged prior to formal submittal. Please call for appointment. Applications and brochures can be downloaded from our website: www.delawarestatefiremarshal.com, technical services link, plan review, applications or brochures.

Department of Agriculture - Contact: Scott Blaier 698-4500

The proposed school site is in an area designated as Investment Level 4 under the *Strategies for State Policies and Spending* and outside Kent County's growth area. In addition, there are no utilities available to the site, which would necessitate the installation of a well and on-site wastewater disposal. The school would also be located in an area that is still largely agricultural, which poses the potential for conflict, such as the application of pesticides or manure while children are outside. For these and other reasons, the Department is not in favor of a school being located on this site at this time.

Public Service Commission - Contact: Andrea Maucher 739-4247

Any expansion of natural gas or installation of a closed propane system must fall within Pipeline Safety guidelines. Contact: Malak Michael at (302) 739-4247.

Department of Education – Contact: John Marinucci 739-4658

1. The DOE supports locating school facilities on parcels with existing or reasonable access to civil infrastructure to include but not limited to:
 - Roads, pedestrian walkways and shared use paths
 - Waste water/sewerage and domestic water
 - Electric, and telecommunications
 - Storm water drainage and conveyance

Individual on-site water and waste water facilities are not recommended by DOE if a suitable alternative site that provides access to public civil utility infrastructure is available. This school site would require on-site water and waste water facilities.

2. The DOE supports the State Strategies for Policies and Spending. When considering school facility locations, the DOE considers proximity and access to basic support services as a high priority.

The school location under consideration appears to be in investment levels 3 and 4 as well as a rural location outside the growth-zone. As a result basic support service levels will reflect a commensurate level of service associated with investment levels 3 and 4.

3. The DOE supports locating school facilities strategically within the geographic region and/or community the facility is intended to serve in order to:
 - Encourage non-student pedestrian access to the school facility in an effort to reduce vehicle miles traveled to the extent practical
 - Encourage student pedestrian access to the school facility, in order to contain the school's life-cycle operating costs associated with student transportation, as practicable
 - Create education campuses by co-locating educational facilities and services in an effort to reduce life-cycle costs as a result of the co-located schools sharing common spaces, facilities and services.

The school location under consideration appears to be strategically located geographically within the community it is intended to serve.

4. As a result, the DOE recommends the consideration of additional sites. DOE reserves the option to support the development of this site as a school facility provided a better site can not be reasonably located and procured.

The comments in this letter are offered as advisory comments to help the school district determine the feasibility of this property for a school site. If the district chooses to move forward with this site, the Budget Office, the Department of Education, and the State Planning Office would need to approve this location. In addition, the site plan for the proposed school would need to be reviewed through the Preliminary Land Use Service (PLUS).

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in cursive script, reading "Constance C. Holland".

Constance C. Holland, AICP
Director

CC: City of Milford
Kent County